

1 **WO**

2

3

4

5

6 **IN THE UNITED STATES DISTRICT COURT**

7 **FOR THE DISTRICT OF ARIZONA**

8

9

10 Hai Van Le,

11 )

12 Plaintiff,

13 vs.

14 )

15 Arizona Department of Corrections, et al.,

16 Defendants.

17 )

No. CV 11-0744-PHX-RCB-ECV

**ORDER**

18 Plaintiff Hai Van Le, who is confined in the Arizona State Prison Complex-Lewis,

19 in Buckeye, Arizona, filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983 and

20 paid the \$350.00 filing fee. In an Order filed on May 31, 2011, the Court dismissed the

21 Complaint with leave to amend within 30 days. (Doc. 3.) On June 16, 2011, Plaintiff filed

22 a motion for a 30-day extension of time. (Doc. 4.) Despite Plaintiff's failure to provide a

23 reason for seeking the extension, the Court granted Plaintiff an additional 30 days in which

24 to file an amended complaint in an Order filed on June 22, 2011. (Doc. 5.) On June 24,

25 2011, Plaintiff filed another motion requesting a 30 days extension of time to file an amended

26 complaint. (Doc. 6.) It appears that this motion may have been intended merely as a copy

27 or correction of the first motion. In any event, this motion was received before Plaintiff

28 received the Court's last Order. Because the Court already granted Plaintiff's first motion

1 for an extension of time, this duplicate motion will be denied. *If* Plaintiff seeks any further  
2 extensions, he should indicate the specific reasons for seeking such extension.

3 **Warnings**

4 **A. Address Changes**

5 Plaintiff must file and serve a notice of a change of address in accordance with Rule  
6 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other  
7 relief with a notice of change of address. Failure to comply may result in dismissal of this  
8 action.

9 **B Copies**

10 Plaintiff must submit an additional copy of every filing for use by the Court. See  
11 LRCiv 5.4. Failure to comply may result in the filing being stricken without further notice  
12 to Plaintiff.

13 **C. Possible “Strike”**

14 Because the Complaint has been dismissed for failure to state a claim, if Plaintiff fails  
15 to file an amended complaint correcting the deficiencies identified in the May 31, 2011  
16 Order, the dismissal may count as a “strike” under the “3-strikes” provision of 28 U.S.C.  
17 § 1915(g). Under the 3-strikes provision, a prisoner may not bring a civil action or appeal  
18 a civil judgment *in forma pauperis* under 28 U.S.C. § 1915 “if the prisoner has, on 3 or more  
19 prior occasions, while incarcerated or detained in any facility, brought an action or appeal  
20 in a court of the United States that was dismissed on the grounds that it is frivolous,  
21 malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is  
22 under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).


23 **D. Possible Dismissal**

24 If Plaintiff fails to timely comply with every provision of this Order, including these  
25 warnings, the Court may dismiss this action without further notice. See Ferdik, 963 F.2d at  
26 1260-61 (a district court may dismiss an action for failure to comply with any order of the  
27 Court).

28 Accordingly,

1           **IT IS ORDERED** that Plaintiff's June 24, 2011 motion for extension of time to file  
2 a first amended complaint is **denied** as moot. (Doc. 6.)

3           DATED this 29th day of June, 2011.

4  
5  
6             
7           \_\_\_\_\_  
8           Robert C. Broomfield  
9           Senior United States District Judge  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28